

AMENDED IN SENATE JUNE 28, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 362

Introduced by Assembly Member De Leon
(Coauthor: Senator Scott)

February 14, 2007

An act to amend Sections 11106, 12010, 12011, and 12012 of, ~~and to add Sections 12315, 12316.5, 12317, 12318, and 12326~~ *12316.5 and 12318 to, and to add Article 3.5 (commencing with Section 12060) to Title 2 of Part 4 of, to, the Penal Code, relating to ammunition.*

LEGISLATIVE COUNSEL'S DIGEST

AB 362, as amended, De Leon. Ammunition.

Existing law requires the Department of Justice to maintain records pertaining to firearms transactions.

This bill would require the department to maintain additional information relating to ammunition transfers, *handgun ammunition permittees, and licensed handgun ammunition vendors*, as specified.

Existing law establishes the Prohibited Armed Persons File, which lists persons who are prohibited from possessing firearms, as specified.

This bill would expand those provisions to include persons prohibited from possessing ammunition.

Existing law generally regulates the sale of ammunition.

This bill would establish a program administered by the Department of Justice for licensing handgun ammunition vendors, as specified. The

bill would also authorize the issuance of a handgun ammunition permit, to be used by purchasers of handgun ammunition, as specified.

The bill would authorize the Department of Justice to incorporate the permit information into a permittee's California driver's license, as specified.

The bill would establish a database maintained by the department to serve as a registry of handgun ammunition vendors. The bill would also establish a database of handgun ammunition permittees.

This bill would require that commencing July 1, 2008, unless specifically excluded, no person shall sell or transfer more than 50 rounds of handgun ammunition in any month unless they are registered as a handgun ammunition vendor, as defined. The bill would also require these vendors to obtain a background clearance for those employees who would handle ammunition in the course and scope of their employment. The bill would require the Department of Justice to maintain a registry of registered handgun ammunition vendors, as specified. Violation of these provisions, as specified, would be a misdemeanor or subject to civil fines, as specified.

The bill would also provide that no retail seller of ammunition shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser without the assistance of the retailer or employee thereof. Violation of these provisions would be punishable as an infraction with a fine of \$500, or as a misdemeanor subject to civil fines, as specified.

The bill would further provide that handgun ammunition may only be purchased in a face-to-face transaction and only if certain conditions exist.

By creating new crimes, this bill would impose a state-mandated local program.

Existing law provides that it is a crime to sell ammunition to a minor, or to sell handgun ammunition to a person who is under 21 years of age.

This bill would provide that any person under 21 years of age who purchases, or who attempts to purchase, handgun ammunition by using a false identification document, or by otherwise misrepresenting the person's age, and any minor who purchases, or attempts to purchase, any ammunition by using a false identification document, or otherwise misrepresenting the person's age, is guilty of a misdemeanor or would be subject to civil fines, as specified.

~~By creating a new crime, this bill would impose a state-mandated local program.~~

Existing law generally regulates what information is required to be obtained in connection with the transfer of ammunition.

This bill would, subject to exceptions, require certain ammunition vendors to obtain a thumbprint and other information from ammunition purchasers, and would require submission of that information to the Department of Justice, as specified. A violation of these provisions would be a misdemeanor *or subject to civil fines, as specified.*

~~By creating a new crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11106 of the Penal Code is amended to
2 read:
3 11106. (a) In order to assist in the investigation of crime, the
4 prosecution of civil actions by city attorneys pursuant to paragraph
5 (3) of subdivision (c), the arrest and prosecution of criminals, and
6 the recovery of lost, stolen, or found property, the Attorney General
7 shall keep and properly file a complete record of all copies of
8 fingerprints, copies of licenses to carry firearms issued pursuant
9 to Section 12050, information reported to the Department of Justice
10 pursuant to Section 12053, submitted pursuant to Section ~~12326,~~
11 *12062 and licensee information pertaining to handgun ammunition*
12 *vendors as specified in Section 12062, permittee information*
13 *pertaining to handgun ammunition permittees specified in*
14 *subdivision (g) of Section 12063, dealers' records of sales of*
15 *firearms, reports provided pursuant to Section 12072 or 12078,*
16 *forms provided pursuant to Section 12084, as that section read*
17 *prior to being repealed by the act that amended this section, reports*
18 *provided pursuant to Section 12071 that are not dealers' records*
19 *of sales of firearms, and reports of stolen, lost, found, pledged, or*

1 pawned property in any city or county of this state, and shall, upon
2 proper application therefor, furnish this information to the officers
3 referred to in Section 11105.

4 (b) (1) Except as provided in subdivision (d), the Attorney
5 General shall not retain or compile any information from reports
6 filed pursuant to subdivision (a) of Section 12078 for firearms that
7 are not handguns, from forms submitted pursuant to Section 12084,
8 as that section read prior to being repealed by the act that amended
9 this section, for firearms that are not handguns, or from dealers'
10 records of sales for firearms that are not handguns. All copies of
11 the forms submitted, or any information received in electronic
12 form, pursuant to Section 12084, as that section read prior to being
13 repealed by the act that amended this section, for firearms that are
14 not handguns, or of the dealers' records of sales for firearms that
15 are not handguns shall be destroyed within five days of the
16 clearance by the Attorney General, unless the purchaser or
17 transferor is ineligible to take possession of the firearm. All copies
18 of the reports filed, or any information received in electronic form,
19 pursuant to subdivision (a) of Section 12078 for firearms that are
20 not handguns shall be destroyed within five days of the receipt by
21 the Attorney General, unless retention is necessary for use in a
22 criminal prosecution.

23 (2) A peace officer, the Attorney General, a Department of
24 Justice employee designated by the Attorney General, or any
25 authorized local law enforcement employee shall not retain or
26 compile any information from a firearms transaction record, as
27 defined in paragraph (5) of subdivision (c) of Section 12071, for
28 firearms that are not handguns unless retention or compilation is
29 necessary for use in a criminal prosecution or in a proceeding to
30 revoke a license issued pursuant to Section 12071.

31 (3) A violation of this subdivision is a misdemeanor.

32 (c) (1) The Attorney General shall permanently keep and
33 properly file and maintain all information reported to the
34 Department of Justice pursuant to Sections 12071, 12072, 12078,
35 12082, and former Section 12084 or any other law, as to handguns
36 and maintain a registry thereof.

37 (2) The registry shall consist of all of the following:

38 (A) The name, address, identification of, place of birth (state
39 or country), complete telephone number, occupation, sex,
40 description, and all legal names and aliases ever used by the owner

1 or person being loaned the particular handgun as listed on the
2 information provided to the department on the Dealers' Record of
3 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
4 in former Section 12084, or reports made to the department
5 pursuant to Section 12078 or any other law.

6 (B) The name and address of, and other information about, any
7 person (whether a dealer or a private party) from whom the owner
8 acquired or the person being loaned the particular handgun and
9 when the firearm was acquired or loaned as listed on the
10 information provided to the department on the Dealers' Record of
11 Sale, the LEFT, or reports made to the department pursuant to
12 Section 12078 or any other law.

13 (C) Any waiting period exemption applicable to the transaction
14 which resulted in the owner of or the person being loaned the
15 particular handgun acquiring or being loaned that firearm.

16 (D) The manufacturer's name if stamped on the firearm, model
17 name or number if stamped on the firearm, and, if applicable, the
18 serial number, other number (if more than one serial number is
19 stamped on the firearm), caliber, type of firearm, if the firearm is
20 new or used, barrel length, and color of the firearm.

21 (3) Information in the registry referred to in this subdivision
22 shall, upon proper application therefor, be furnished to the officers
23 referred to in Section 11105, to a city attorney prosecuting a civil
24 action, solely for use in prosecuting that civil action and not for
25 any other purpose, or to the person listed in the registry as the
26 owner or person who is listed as being loaned the particular
27 handgun.

28 (4) If any person is listed in the registry as the owner of a firearm
29 through a Dealers' Record of Sale prior to 1979, and the person
30 listed in the registry requests by letter that the Attorney General
31 store and keep the record electronically, as well as in the record's
32 existing photographic, photostatic, or nonerasable optically stored
33 form, the Attorney General shall do so within three working days
34 of receipt of the request. The Attorney General shall, in writing,
35 and as soon as practicable, notify the person requesting electronic
36 storage of the record that the request has been honored as required
37 by this paragraph.

38 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
39 of subdivision (b) of Section 11105 may disseminate the name of
40 the subject of the record, the number of the firearms listed in the

1 record, and the description of any firearm, including the make,
2 model, and caliber, from the record relating to any firearm's sale,
3 transfer, registration, or license record, or any information reported
4 to the Department of Justice pursuant to Section 12021.3, 12053,
5 12071, 12072, 12077, 12078, 12082, or 12285, or information
6 reported to the Department of Justice pursuant to Section ~~12326~~
7 *12062* as to the brand, type, and amount of ammunition transferred
8 if the following conditions are met:

9 (A) The subject of the record has been arraigned for a crime in
10 which the victim is a person described in subdivisions (a) to (f),
11 inclusive, of Section 6211 of the Family Code and is being
12 prosecuted or is serving a sentence for the crime, or the subject of
13 the record is the subject of an emergency protective order, a
14 temporary restraining order, or an order after hearing, which is in
15 effect and has been issued by a family court under the Domestic
16 Violence Protection Act set forth in Division 10 (commencing
17 with Section 6200) of the Family Code.

18 (B) The information is disseminated only to the victim of the
19 crime or to the person who has obtained the emergency protective
20 order, the temporary restraining order, or the order after hearing
21 issued by the family court.

22 (C) Whenever a law enforcement officer disseminates the
23 information authorized by this subdivision, that officer or another
24 officer assigned to the case shall immediately provide the victim
25 of the crime with a "Victims of Domestic Violence" card, as
26 specified in subparagraph (H) of paragraph (9) of subdivision (c)
27 of Section 13701.

28 (2) The victim or person to whom information is disseminated
29 pursuant to this subdivision may disclose it as he or she deems
30 necessary to protect himself or herself or another person from
31 bodily harm by the person who is the subject of the record.

32 SEC. 2. Section 12010 of the Penal Code is amended to read:

33 12010. (a) The Attorney General shall establish and maintain
34 an online database to be known as the Prohibited Armed Persons
35 File. The purpose of the file is to cross-reference persons who have
36 ownership or possession of a firearm or ammunition on or after
37 January 1, 1991, as indicated by a record in the Consolidated
38 Firearms Information System, or as indicated in reports submitted
39 to the Department of Justice pursuant to Section ~~12326~~ *12062*, and
40 who, subsequent to the date of that ownership or possession of a

1 firearm or ammunition, fall within a class of persons who are
2 prohibited from owning or possessing a firearm or ammunition.

3 (b) The information contained in the Prohibited Armed Persons
4 File shall only be available to those entities specified in, and
5 pursuant to, subdivision (b) or (c) of Section 11105, through the
6 California Law Enforcement Telecommunications System, for the
7 purpose of determining if persons are armed and prohibited from
8 possessing firearms or ammunition.

9 SEC. 3. Section 12011 of the Penal Code is amended to read:
10 12011. The Prohibited Armed Persons File database shall
11 function as follows:

12 (a) Upon entry into the Automated Criminal History System of
13 a disposition for a conviction of any felony, a conviction for any
14 firearms-prohibiting charge specified in Section 12021, a
15 conviction for an offense described in Section 12021.1, a firearms
16 prohibition pursuant to Section 8100 or 8103 of the Welfare and
17 Institutions Code, an ammunition prohibition pursuant to
18 subdivision (b) of Section 12316, or any firearms possession
19 prohibition identified by the federal National Instant Check System,
20 the Department of Justice shall determine if the subject has an
21 entry in the Consolidated Firearms Information System indicating
22 possession or ownership of a firearm on or after January 1, 1991,
23 or an assault weapon registration, or a .50 BMG rifle registration,
24 or ammunition as indicated in reports submitted to the Department
25 of Justice pursuant to Section ~~12326~~ 12062.

26 (b) Upon an entry into any department automated information
27 system that is used for the identification of persons who are
28 prohibited from acquiring, owning, or possessing firearms or
29 ammunition, the department shall determine if the subject has an
30 entry in the Consolidated Firearms Information System indicating
31 ownership or possession of a firearm on or after January 1, 1991,
32 or an assault weapon registration, or a .50 BMG rifle registration,
33 or acquired ammunition as indicated in reports submitted to the
34 Department of Justice pursuant to Section ~~12326~~ 12062.

35 (c) If the department determines that, pursuant to subdivision
36 (a) or (b), the subject has an entry in the Consolidated Firearms
37 Information System indicating possession or ownership of a firearm
38 on or after January 1, 1991, or an assault weapon registration, or
39 a .50 BMG rifle registration, or acquired ammunition as indicated
40 in reports submitted to the Department of Justice pursuant to

1 Section ~~12326~~ 12062, the following information shall be entered
2 into the Prohibited Armed Persons File:

- 3 (1) The subject's name.
- 4 (2) The subject's date of birth.
- 5 (3) The subject's physical description.
- 6 (4) Any other identifying information regarding the subject that
7 is deemed necessary by the Attorney General.
- 8 (5) The basis of the firearms or ammunition possession
9 prohibition.
- 10 (6) A description of all firearms owned or possessed by the
11 subject, as reflected by the Consolidated Firearms Information
12 System or ammunition acquired as indicated in reports submitted
13 to the Department of Justice pursuant to Section ~~12326~~ 12062.

14 SEC. 4. Section 12012 of the Penal Code is amended to read:
15 12012. The Attorney General shall provide investigative
16 assistance to local law enforcement agencies to better ensure the
17 investigation of individuals who are armed and prohibited from
18 possessing a firearm or ammunition.

19 ~~SEC. 5. Section 12315 is added to the Penal Code, to read:~~
20 ~~12315. (a) As used in this section, the following terms apply:~~
21 ~~(1) "Handgun ammunition" means handgun ammunition as~~
22 ~~defined in subdivision (a) of Section 12323.~~

23 ~~(2) "Registered handgun ammunition vendor" means any person~~
24 ~~or business that has all of the following:~~

25 ~~(A) Any regulatory or business license, or licenses, required by~~
26 ~~local government.~~

27 ~~(B) A valid seller's permit issued by the State Board of~~
28 ~~Equalization.~~

29 ~~(C) Is among those recorded in the centralized ammunition~~
30 ~~vendor's registry specified in subdivision (e).~~

31 ~~(D) A certificate of eligibility issued pursuant to Section 12071.~~

32 ~~(3) "Immediate family member" has the same meaning as set~~
33 ~~forth in subdivision (e) of Section 12078.~~

34 ~~(b) Commencing July 1, 2008, no person shall sell or transfer~~
35 ~~more than 50 rounds of handgun ammunition in any month unless~~
36 ~~the person is registered as a handgun ammunition vendor as~~
37 ~~described in paragraph (1).~~

38 ~~(c) A registered handgun ammunition vendor shall not permit~~
39 ~~any employee who the registered handgun ammunition vendor~~
40 ~~knows or reasonably should know is a person described in Section~~

1 ~~12021 or 12021.1 of this code or Section 8100 or 8103 of the~~
2 ~~Welfare and Institutions Code to handle handgun ammunition in~~
3 ~~the course and scope of his or her employment. A registered~~
4 ~~handgun ammunition vendor is authorized to request a background~~
5 ~~clearance from the Department of Justice pursuant to subdivision~~
6 ~~(d) of Section 12076 to determine if an employee or potential~~
7 ~~employee is a person described in any of the specified sections.~~
8 ~~The department may require the registered handgun ammunition~~
9 ~~vendor to charge a fee sufficient to reimburse it for the background~~
10 ~~clearance authorized pursuant to subdivision (e) of Section 12076.~~
11 ~~Fees received by the department pursuant to this section shall be~~
12 ~~deposited in the Dealers' Record of Sale Special Account of the~~
13 ~~General Fund.~~

14 ~~(d) The Department of Justice shall keep a centralized registry~~
15 ~~of all persons, businesses, and corporations who are registered~~
16 ~~handgun ammunition vendors. The department may remove from~~
17 ~~this registry any vendor who violates the provisions of this chapter.~~
18 ~~Upon removal of a registered handgun ammunition vendor from~~
19 ~~this registry, notification shall be provided to local law enforcement~~
20 ~~and licensing authorities in the jurisdiction where the vendor's~~
21 ~~business is located.~~

22 ~~(e) This section does not apply to any of the following:~~

23 ~~(1) Wholesale sellers of handgun ammunition who sell or~~
24 ~~transfer handgun ammunition to persons or entities as set forth in~~
25 ~~paragraphs (2) to (8), inclusive.~~

26 ~~(2) Sales or transfers of handgun ammunition by a target facility~~
27 ~~which holds a business or regulatory license to persons who are~~
28 ~~on the premises of the target facility or sales of handgun~~
29 ~~ammunition to persons who are on the premises of any club or~~
30 ~~organization organized for the purposes of practicing shooting at~~
31 ~~targets upon established ranges, whether public or private, if the~~
32 ~~sale of the ammunition occurs at the premises of the target range~~
33 ~~or on the premises of the club or organization and is sold to a~~
34 ~~person who is using ammunition primarily at the facility.~~

35 ~~(3) Sales or transfers of handgun ammunition by persons~~
36 ~~licensed pursuant to Section 12071.~~

37 ~~(4) Sales or transfers of handgun ammunition by commercial~~
38 ~~hunting clubs, game bird clubs, or pheasant clubs licensed by the~~
39 ~~Department of Fish and Game.~~

1 ~~(5) Sales or transfers of handgun ammunition by a nonprofit~~
2 ~~public benefit or mutual benefit corporation organized pursuant~~
3 ~~to Part 2 (commencing with Section 5110) or Part 3 (commencing~~
4 ~~with Section 7110) of Division 2 of the Corporations Code, if both~~
5 ~~of the following conditions are satisfied:~~

6 ~~(A) The nonprofit public benefit or mutual benefit corporation~~
7 ~~is selling ammunition to assist the corporation or local chapters of~~
8 ~~the corporation in conducting auctions or similar events at which~~
9 ~~firearms are auctioned off and to fund the activities of the~~
10 ~~corporation or the local chapters of the corporation.~~

11 ~~(B) The firearms being auctioned off at the corporation's~~
12 ~~auctions or events are not primarily handguns.~~

13 ~~(6) A person who is on the centralized list maintained by the~~
14 ~~Department of Justice pursuant to Section 12083.~~

15 ~~(7) Sales or transfers of handgun ammunition to authorized law~~
16 ~~enforcement representatives of cities, counties, cities and counties,~~
17 ~~or state or federal governments for exclusive use by those~~
18 ~~government agencies if, prior to the delivery, transfer, or sale of~~
19 ~~these firearms, written authorization from the head of the agency~~
20 ~~authorizing the transaction is presented to the person from whom~~
21 ~~the purchase, delivery, or transfer is being made. Proper written~~
22 ~~authorization is defined as verifiable written certification from the~~
23 ~~head of the agency by which the purchaser or transferee is~~
24 ~~employed, identifying the employee as an individual authorized~~
25 ~~to conduct the transaction, and authorizing the transaction for the~~
26 ~~exclusive use of the agency by which he or she is employed.~~

27 ~~(8) Sales or transfers of handgun ammunition to authorized~~
28 ~~representatives of cities, counties, cities and counties, or state or~~
29 ~~federal governments for those government agencies in which the~~
30 ~~entity is acquiring the ammunition as part of an authorized,~~
31 ~~voluntary program in which the entity is buying or receiving~~
32 ~~ammunition from private individuals.~~

33 ~~(9) Sales or transfers of handgun ammunition between~~
34 ~~immediate family members or spouses or registered domestic~~
35 ~~partners.~~

36 ~~(10) Sales or transfers of handgun ammunition at a target facility~~
37 ~~which holds a business or regulatory license to persons who are~~
38 ~~on the premises of the target facility between persons who are on~~
39 ~~the premises of any club or organization organized for the purposes~~
40 ~~of practicing shooting at targets upon established ranges, whether~~

1 ~~public or private, if the sale or transfer of the ammunition occurs~~
2 ~~on the premises of the target range or on the premises of the club~~
3 ~~or organization and is sold to a person who is using ammunition~~
4 ~~primarily at the facility.~~

5 ~~(f) A violation of this section is punishable as a misdemeanor.~~

6 SEC. 5. Article 3.5 (commencing with Section 12060) is added
7 to Title 2 of Part 4 of the Penal Code, to read:

8
9 Article 3.5. *Handgun Ammunition Vendor Licenses and*
10 *Handgun Ammunition Purchase Permits*

11
12 12060. *As used in this article, the following terms apply:*

13 (a) *“Department” means the Department of Justice.*

14 (b) *“Handgun ammunition” means handgun ammunition as*
15 *defined in subdivision (a) of Section 12323, but excluding*
16 *ammunition designed and intended to be used in an “antique*
17 *firearm” as defined in Section 921(a)(16) of Title 18 of the United*
18 *States Code.*

19 (c) *“Immediate family member” has the same meaning as set*
20 *forth in subdivision (c) of Section 12078.*

21 (d) *“Licensed handgun ammunition vendor” or “vendor” means*
22 *a person or entity licensed by the department pursuant to Section*
23 *12062.*

24 12061. (a) (1) *Commencing July 1, 2008, no person shall sell*
25 *or transfer more than 50 rounds of handgun ammunition in any*
26 *month unless the person is licensed by the department as a licensed*
27 *handgun ammunition vendor in accordance with Section 12062.*

28 (2) *No person or entity shall sell or otherwise transfer ownership*
29 *of handgun ammunition after it is permanently removed from the*
30 *registry pursuant to subparagraph (C) of paragraph (5) of*
31 *subdivision (b) of Section 12062.*

32 (b) *Paragraph (1) of subdivision (a) shall not apply to or affect*
33 *any of the following:*

34 (1) *Sales or transfers of handgun ammunition to licensed*
35 *handgun ammunition vendors who are licensed pursuant to Section*
36 *12062.*

37 (2) *Sales or transfers of handgun ammunition by a nonprofit*
38 *public benefit or mutual benefit corporation organized pursuant*
39 *to Part 2 (commencing with Section 5110) or Part 3 (commencing*
40 *with Section 7110) of Division 2 of the Corporations Code, if the*

1 nonprofit public benefit or mutual benefit corporation is selling
2 ammunition to assist the corporation or local chapters of the
3 corporation in conducting auctions or similar events at which
4 firearms are auctioned off and to fund the activities of the
5 corporation or the local chapters of the corporation.

6 (3) Sales or transfers of handgun ammunition to authorized law
7 enforcement representatives of cities, counties, cities and counties,
8 or state or federal governments for exclusive use by those
9 government agencies if, prior to the delivery, transfer, or sale of
10 handgun ammunition, written authorization from the head of the
11 agency authorizing the transaction is presented to the person from
12 whom the purchase, delivery, or transfer is being made. Proper
13 written authorization is defined as verifiable written certification
14 from the head of the agency by which the purchaser or transferee
15 is employed, identifying the employee as an individual authorized
16 to conduct the transaction, and authorizing the transaction for the
17 exclusive use of the agency by which he or she is employed.

18 (4) Sales or transfers of handgun ammunition to authorized
19 representatives of cities, counties, cities and counties, or state or
20 federal governments for those government agencies in which the
21 entity is acquiring the ammunition as part of an authorized,
22 voluntary program in which the entity is buying or receiving
23 ammunition from private individuals.

24 (5) Sales or transfers of handgun ammunition between
25 immediate family members, spouses, or registered domestic
26 partners.

27 (6) Sales or transfers of handgun ammunition at a target facility
28 that holds a business or regulatory license between persons who
29 are on the premises of the target facility or between persons who
30 are on the premises of any club or organization organized for the
31 purposes of practicing shooting at targets upon established ranges,
32 whether public or private, if the sale or transfer of the ammunition
33 occurs on the premises of the target range or on the premises of
34 the club or organization and is sold to a person who is using
35 ammunition primarily at the facility and the entity conducting the
36 sale or transfer is not the target range or club.

37 (c) A violation of this section is punishable by a civil fine of up
38 to one thousand dollars (\$1,000) for a first violation and up to ten
39 thousand dollars (\$10,000) for every subsequent violation.

1 12062. (a) (1) *The department is authorized to issue handgun*
2 *ammunition vendor licenses.*

3 (2) *No handgun ammunition vendor license may be issued to*
4 *an applicant who fails to provide a copy of any regulatory or*
5 *business license, or licenses, required by local government, a valid*
6 *seller's permit issued by the State Board of Equalization, a federal*
7 *firearms license if the person is federally licensed, and a certificate*
8 *of eligibility issued pursuant to Section 12071.*

9 (3) *The department shall inform applicants who are denied*
10 *licenses of the reasons for the denial in writing.*

11 (b) (1) *The handgun ammunition vendor license shall be issued*
12 *in a form prescribed by the Attorney General and shall be valid*
13 *for a period of one year. The Attorney General may adopt*
14 *regulations to administer application procedures and enforcement*
15 *procedures for the licensee. The Attorney General may adopt*
16 *regulations that establish grounds for suspension or revocation*
17 *of the license.*

18 (2) *The department may charge handgun ammunition vendor*
19 *license applicants a fee sufficient to reimburse the department for*
20 *the costs of administering the license program, maintaining the*
21 *registry of handgun ammunition vendors, and necessary regulatory*
22 *functions, including enforcement, provided, however, that the fee*
23 *shall not exceed fifty dollars (\$50).*

24 (3) *The department shall issue licenses pursuant to this section*
25 *to the following applicants:*

26 (A) *Persons licensed pursuant to Section 12071.*

27 (B) *A person who is on the centralized list maintained by the*
28 *department pursuant to Section 12083.*

29 (C) *A target facility which holds a business or regulatory*
30 *license.*

31 (D) *Commercial hunting clubs, game bird clubs, or pheasant*
32 *clubs licensed by the Department of Fish and Game.*

33 (E) *Gunsmiths.*

34 (F) *Wholesalers.*

35 (G) *Manufacturers or importers of firearms licensed pursuant*
36 *to Chapter 44 (commencing with Section 921) of Title 18 of the*
37 *United States Code, and the regulations issued pursuant thereto.*

38 (4) *The department shall waive all application fees for all*
39 *persons listed in subparagraphs (A) and (B) of paragraph (3).*

1 (5) (A) *The department shall keep a centralized registry of all*
2 *persons, businesses, and corporations who are vendors.*

3 (B) *The department may remove from this registry any vendor*
4 *who violates the provisions of this section.*

5 (C) *The license of any vendor who violates this section three*
6 *times shall be revoked, and that person, firm, or corporation shall*
7 *become permanently ineligible to obtain a license pursuant to this*
8 *section.*

9 (D) *Upon removal of a vendor from the registry, notification*
10 *shall be provided to local law enforcement and licensing*
11 *authorities in the jurisdiction where the vendor's business is*
12 *located.*

13 (6) *Information compiled from the registry referred to in*
14 *paragraph (5) shall be made available, upon request, for the*
15 *following purposes only:*

16 (A) *For law enforcement purposes.*

17 (B) *When the information is requested for the purposes of*
18 *determining the validity of handgun ammunition deliveries.*

19 (c) *A vendor shall comply with all of the following conditions,*
20 *requirements and prohibitions:*

21 (1) (A) *A vendor shall not permit any employee who the vendor*
22 *knows or reasonably should know is a person described in Section*
23 *12021 or 12021.1 of this code or Section 8100 or 8103 of the*
24 *Welfare and Institutions Code to handle handgun ammunition in*
25 *the course and scope of his or her employment.*

26 (B) *Except as provided in subparagraph (C), for an employee*
27 *of a vendor who becomes an employee after July 1, 2008, the*
28 *vendor shall request a background clearance from the department*
29 *pursuant to subdivision (d) of Section 12076 to determine if an*
30 *employee is a person described in Section 12021 or 12021.1 of*
31 *this code or Section 8100 or 8103 of the Welfare and Institutions*
32 *Code. The request shall be made within 45 days of employing the*
33 *individual.*

34 (C) *In the case of a person who is employed by a vendor on or*
35 *before July 1, 2008, the vendor shall request a background*
36 *clearance from the department pursuant to subdivision (d) of*
37 *Section 12076 to determine if an employee is a person described*
38 *in Section 12021 or 12021.1 of this code or Section 8100 or 8103*
39 *of the Welfare and Institutions Code no later August 15, 2008.*

1 (D) The department may require the vendor to charge a fee
2 sufficient to reimburse it for the background clearance authorized
3 pursuant to subdivision (e) of Section 12076.

4 (2) A vendor shall not sell or otherwise transfer ownership of,
5 offer for sale or otherwise offer to transfer ownership of, or display
6 for sale or display for transfer of ownership of any handgun
7 ammunition in a manner that allows that ammunition to be
8 accessible to a purchaser or transferee without the assistance of
9 the vendor or employee thereof.

10 (3) Commencing July 1, 2008, a vendor shall not sell or
11 otherwise transfer ownership of any handgun ammunition without
12 at the time of delivery recording the following information in a
13 format to be prescribed by the department:

14 (A) The date of the transaction.

15 (B) The transferee's driver's license or other identification
16 number and the state in which it was issued.

17 (C) The brand, type, and amount of ammunition transferred.

18 (D) The transferee's signature.

19 (E) The name of the salesperson who processed the transaction.

20 (F) The right thumbprint of the purchaser or transferee on the
21 above form, unless the purchaser or transferee presents a valid
22 hunting or sportsman's license issued pursuant to Section 714,
23 paragraphs (1) to (3), inclusive, of subdivision (a) of Section 3031,
24 or Section 3031.2 of the Fish and Game Code, or a handgun
25 ammunition purchase permit in which case the vendor shall record
26 the number of the license or permit.

27 (G) Commencing July 1, 2011, information that the department
28 may require to ensure compliance with the provisions of
29 paragraphs (7) and (8).

30 (4) Commencing July 1, 2008, on the date of delivery of the
31 handgun ammunition, the vendor shall submit a report to the
32 department in a manner prescribed by the department containing
33 the information set forth in paragraph (3).

34 (5) Commencing July 1, 2008, the records required by this
35 section shall be maintained on the premises of the vendor for a
36 period of not less than two years from the date of the recorded
37 transfer.

38 (6) Commencing July 1, 2008, the records referred to in
39 paragraph (4) shall be subject to inspection at any time during
40 normal business hours by any peace officer employed by a sheriff,

1 city police department, or district attorney as provided in
2 subdivision (a) of Section 830.1, or employed by the department
3 as provided in subdivision (b) of Section 830.1, provided the officer
4 is conducting an investigation where access to those records is or
5 may be relevant to that investigation, is seeking information about
6 persons prohibited from owning a firearm or ammunition, or is
7 engaged in ensuring compliance with the Dangerous Weapons
8 Control Law (Chapter 1 (commencing with Section 12000) of Title
9 2 of Part 4), or any other laws pertaining to firearms or
10 ammunition. The records shall also be subject to inspection at any
11 time during normal business hours by any other employee of the
12 Department, provided that employee is conducting an investigation
13 where access to those records is or may be relevant to that
14 investigation, is seeking information about persons prohibited
15 from owning a firearm or ammunition, or is engaged in ensuring
16 compliance with the Dangerous Weapons Control Law (Chapter
17 1 (commencing with Section 12000) of Title 2 of Part 4), or any
18 other laws pertaining to firearms or ammunition.

19 (7) Except as provided in paragraph (8), commencing July 1,
20 2011, prior to the delivery of the handgun ammunition, the vendor
21 of handgun ammunition shall verify that the person who is being
22 delivered the handgun ammunition is the holder of a valid handgun
23 ammunition purchase permit issued pursuant to Section 12063 by
24 contacting the department in a manner prescribed by the
25 department that the handgun ammunition purchase permit is valid
26 at the time of the delivery and receiving a verification number
27 from the department authorizing the delivery.

28 (8) Commencing July 1, 2011, if a person is not the holder of
29 a handgun ammunition purchase permit because he or she is not
30 a resident of this state, then pursuant to procedures prescribed
31 the department, the vendor shall contact the department to conduct
32 an instantaneous background check that reasonably verifies that
33 the person is not prohibited by paragraph (1) of subdivision (b)
34 of Section 12316 or subsection (g) of Section 922 of Title 18 of the
35 United States Code from acquiring or possessing handgun
36 ammunition and that the person is 21 years of age or older.

37 (9) Commencing July 1, 2008, the vendor shall not knowingly
38 make a false entry in, fail to make a required entry in, fail to obtain
39 the required thumbprint, or otherwise fail to maintain in the
40 required manner records prepared in accordance with paragraph

1 (2). If the right thumbprint is not available, then the vendor shall
2 have the purchaser or transferee use his or her left thumb, or any
3 available finger, and shall so indicate on the form. If the purchaser
4 or transferee is physically unable to provide a thumbprint or
5 fingerprint, the vendor shall so indicate on the form.

6 (10) Commencing July 1, 2008, no vendor shall refuse to permit
7 a person authorized under paragraph (7) to examine any record
8 prepared in accordance with this section during any inspection
9 conducted pursuant to this section, or refuse to permit the use of
10 any record or information by those persons.

11 (11) To implement paragraphs (7) and (8) of this subdivision,
12 commencing July 1, 2008, the department may require the vendor
13 to charge each person who is subject to the requirements of
14 paragraphs (7) and (8) a fee for the actual processing costs of that
15 transaction, which in any event shall not exceed three dollars (\$3)
16 for each transaction.

17 (12) Each vendor shall transmit in the manner prescribed by
18 the department the fees collected pursuant to paragraph (11) to
19 the department.

20 (d) (1) Paragraphs (3), (7) and (8) of subdivision (c) shall not
21 apply to or affect sales or transfer of handgun ammunition by
22 licensed handgun ammunition vendors to any of the following:

23 (A) Persons licensed pursuant to Section 12071 properly
24 identified as such.

25 (B) A licensed handgun ammunition vendor properly identified
26 as such.

27 (C) A person who is on the centralized list maintained by the
28 department pursuant to Section 12083 properly identified as such.

29 (D) A target facility which holds a business or regulatory license
30 properly identified as such.

31 (E) Commercial hunting clubs, game bird clubs, or pheasant
32 clubs licensed by the Department of Fish and Game, properly
33 identified as such.

34 (F) Gunsmiths, properly identified as such.

35 (G) Wholesalers properly identified as such.

36 (H) Manufacturers or importers of firearms licensed pursuant
37 to Chapter 44 (commencing with Section 921) of Title 18 of the
38 United States Code, and the regulations issued pursuant thereto,
39 properly identified as such.

1 (I) A nonprofit public benefit or mutual benefit corporation
2 organized pursuant to Part 2 (commencing with Section 5110) or
3 Part 3 (commencing with Section 7110) of Division 2 of the
4 Corporations Code, properly identified as such, if the nonprofit
5 public benefit or mutual benefit corporation is selling ammunition
6 to assist the corporation or local chapters of the corporation in
7 conducting auctions or similar events at which firearms are
8 auctioned off and to fund the activities of the corporation or the
9 local chapters of the corporation, and the firearms being auctioned
10 off at the corporation's auctions or events are not primarily
11 handguns.

12 (J) Sales or transfers made to authorized law enforcement
13 representatives of cities, counties, cities and counties, or state or
14 federal governments for exclusive use by those government
15 agencies if, prior to the delivery, transfer, or sale of handgun
16 ammunition, written authorization from the head of the agency
17 authorizing the transaction is presented to the person from whom
18 the purchase, delivery, or transfer is being made. Proper written
19 authorization is defined as verifiable written certification from the
20 head of the agency by which the purchaser or transferee is
21 employed, identifying the employee as an individual authorized to
22 conduct the transaction, and authorizing the transaction for the
23 exclusive use of the agency by which he or she is employed.

24 (2) Paragraphs (7) and (8) of subdivision (c) shall not apply to
25 or affect sales or transfer of handgun ammunition by licensed
26 handgun ammunition vendors to sworn peace officers, as defined
27 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
28 2 who are authorized to carry a firearm in the course and scope
29 of their duties.

30 (e) Fees received by the department pursuant to this section
31 shall be deposited in the Dealers' Record of Sale Special Account
32 of the General Fund.

33 12063. (a) (1) Commencing March 1, 2011, any person who
34 is 21 years of age or older may apply to the department for a
35 handgun ammunition purchase permit, in a format to be prescribed
36 by the department.

37 (2) The handgun ammunition purchase permit shall entitle the
38 permittee to purchase handgun ammunition from a licensed
39 handgun ammunition vendor.

1 ***(b) The department shall issue a handgun ammunition purchase***
2 ***permit to the applicant if all the following conditions are met:***

3 ***(1) The applicant is 21 years of age or older.***

4 ***(2) The applicant is not prohibited from acquiring or possessing***
5 ***handgun ammunition by paragraph (1) of subdivision (b) of Section***
6 ***12316 or by subsection (g) of Section 922 of Title 18 of the United***
7 ***States Code.***

8 ***(3) The applicant pays the fees set forth in subdivision (i).***

9 ***(c) (1) Upon receipt of an initial or renewal application, the***
10 ***department shall examine its records and is authorized to request***
11 ***records from the State Department of Mental Health, pursuant to***
12 ***Section 8104 of the Welfare and Institutions Code, and the National***
13 ***Instant Criminal Background Check System, as described in***
14 ***subsection (t) of Section 922 of Title 18 of the United States Code,***
15 ***in order to determine if the applicant is prohibited from possessing***
16 ***or acquiring handgun ammunition.***

17 ***(2) The application shall be approved or denied within 30 days***
18 ***of the date of the application. If the application is denied, the***
19 ***department shall state the reasons for doing so and provide the***
20 ***applicant an appeal process to challenge that denial.***

21 ***(d) The handgun ammunition purchase permit shall be valid***
22 ***for five years from the date of issuance.***

23 ***(e) The department shall send a notice of the expiration of a***
24 ***handgun ammunition purchase permit, by first-class mail or other***
25 ***means that are equivalent such as electronic mail, to the address***
26 ***of the person as shown by the records of the department, not less***
27 ***than 90 days before the expiration date, and shall enclose or***
28 ***contain a form for the renewal of the permit.***

29 ***(f) The handgun ammunition purchase permit shall be revoked***
30 ***by the department upon the occurrence of any event which would***
31 ***have disqualified the holder from being issued the handgun***
32 ***ammunition purchase permit pursuant to this section.***

33 ***(g) The handgun ammunition purchase permit shall be in a***
34 ***tamper-proof form prescribed by the department and shall include***
35 ***the name, address, photograph, date of birth, a unique identifying***
36 ***number, expiration date from the date of issuance, physical***
37 ***characteristics, including the height, weight, eye color, and hair***
38 ***color of the permit holder, and other information as may be***
39 ***prescribed by the department. The department may integrate the***
40 ***identification into the permit holder's California driver's license***

1 or identification number, or the Certificate of Eligibility program
2 set forth in Section 12071, or other similar means.

3 (h) The department shall recover the full cost of administering
4 this section by assessing the following application fees:

5 (1) For the initial application: thirty-five dollars (\$35).

6 (2) For each renewal application: fifteen dollars (\$15).

7 (i) All fees received pursuant to this section shall be deposited
8 into the Dealer Record of Sale Account.

9 (j) The implementation of this section by the department is
10 exempt from the Administrative Procedure Act (Chapter 3.5
11 (commencing with Section 11340) of Part 1 of Division 3 of Title
12 2 of the Government Code).

13 (k) The department shall annually review and shall adjust the
14 fees specified in subdivision (h), if necessary, to fully fund, but not
15 to exceed the actual costs of, the permit program provided for by
16 this section, including enforcement of the program.

17 (l) The Attorney General is authorized to adopt regulations to
18 implement the provisions of this section.

19 12064. (a) In order to implement provisions of paragraphs
20 (7) and (8) of subdivision (c) of Section 12062, the department
21 shall do all of the following on or before January 1, 2011:

22 (1) Establish a state database that licensed handgun ammunition
23 vendors may instantaneously access by telephone or other
24 electronic means, as specified by the department, with information
25 to be supplied immediately on whether the presented handgun
26 ammunition purchase permit is valid. The database shall record
27 when a vendor contacts the department to verify that a handgun
28 ammunition purchase permit is valid, and shall provide an
29 authorization number for the delivery of the ammunition to that
30 permitholder.

31 (2) Upon establishment of the database referred to in paragraph
32 (1), notify each vendor on the licensed handgun ammunition vendor
33 registry of the existence and purpose of the system and the means
34 to be used to access the database.

35 (3) Establish days and hours during which the telephone number
36 or other electronic means shall be operational for purposes of
37 responding to inquiries, taking into consideration the normal
38 business hours of retailers.

39 (4) Prescribe procedures whereby the vendor shall contact the
40 department, if a person is not the holder of a handgun ammunition

1 *purchase permit because he or she is not a resident of this state,*
2 *to conduct an instantaneous background check that reasonably*
3 *verifies that the person is not prohibited by paragraph (1) of*
4 *subdivision (b) of Section 12316 or subsection (g) of Section 922*
5 *of Title 18 of the United States Code from acquiring or possessing*
6 *handgun ammunition.*

7 *(b) The Attorney General is authorized to adopt regulations to*
8 *implement the provisions of this section.*

9 SEC. 6. Section 12316.5 is added to the Penal Code, to read:

10 12316.5. (a) Any person under 21 years of age who purchases,
11 or who attempts to purchase, handgun ammunition by using a false
12 identification document, or by otherwise misrepresenting the
13 person's age, and any minor who purchases, or attempts to
14 purchase, any ammunition by using a false identification document,
15 or otherwise misrepresenting the person's age, ~~is guilty of a~~
16 ~~misdemeanor~~ *shall be subject to a civil fine of up to five thousand*
17 *dollars (\$5,000).*

18 (b) As used in this section, "handgun ammunition" means
19 handgun ammunition as defined in subdivision (a) of Section
20 12323, *but excluding ammunition designed and intended to be*
21 *used in an "antique firearm" as defined in Section 921(a)(16) of*
22 *Title 18 of the United States Code.*

23 ~~SEC. 7. Section 12317 is added to the Penal Code, to read:~~

24 ~~12317. (a) As used in this section, the following terms apply:~~

25 ~~(1) "Handgun ammunition" means handgun ammunition as~~
26 ~~defined in subdivision (a) of Section 12323.~~

27 ~~(2) "Seller of ammunition" means any of the following:~~

28 ~~(A) A person licensed pursuant to Section 12071.~~

29 ~~(B) A person registered as a registered handgun ammunition~~
30 ~~vendor with the Department of Justice pursuant to Section 12315.~~

31 ~~(C) A commercial hunting club, game bird club, or pheasant~~
32 ~~club licensed by the Department of Fish and Game.~~

33 ~~(D) A target facility which holds a regulatory or business license.~~

34 ~~(E) A person who is on the centralized list maintained by the~~
35 ~~Department of Justice pursuant to Section 12083.~~

36 ~~(b) No seller of ammunition shall sell, offer of sale, or display~~
37 ~~for sale, any handgun ammunition in a manner that allows that~~
38 ~~ammunition to be accessible to a purchaser without the assistance~~
39 ~~of the seller or employee thereof.~~

1 ~~(e) Violation of this section is punishable as an infraction with~~
2 ~~a fine of five hundred dollars (\$500), or as a misdemeanor.~~

3 ~~(d) The Attorney General is authorized to adopt regulations to~~
4 ~~implement the provisions of this section.~~

5 ~~SEC. 8.~~

6 *SEC. 7.* Section 12318 is added to the Penal Code, to read:

7 12318. (a) ~~Handgun ammunition may only be purchased in a~~
8 ~~face-to-face transaction, provided that the seller view a bona fide~~
9 ~~evidence of identity from the retail purchaser and act in accordance~~
10 ~~with existing law. Commencing July 1, 2008, the sale or other~~
11 ~~transfer of ownership of handgun ammunition may only occur in~~
12 ~~a face-to-face transaction with the seller or transferor being~~
13 ~~provided bona fide evidence of identity from the purchaser or other~~
14 ~~transferee.~~

15 ~~(1) “Bona~~

16 (b) (1) “Bona fide evidence of identity” means a document
17 issued by a federal, state, county, or municipal government, or
18 subdivision or agency thereof, including, but not limited to, a motor
19 vehicle operator’s license, state identification card, identification
20 card issued to a member of the armed forces, or other form of
21 identification that bears the name, date of birth, description, and
22 picture of the person.

23 (2) “Handgun ammunition” means handgun ammunition as
24 defined in subdivision (a) of Section 12323, *but excluding*
25 *ammunition designed and intended to be used in an “antique*
26 *firearm” as defined in Section 921(a)(16) of Title 18 of the United*
27 *States Code.*

28 (3) “Licensed handgun ammunition vendor” has the same
29 meaning as set forth in Section 12062.

30 (c) Subdivision (a) shall not apply to or ~~effect~~ *affect* the
31 deliveries, transfers, or sales of, handgun ammunition to any of
32 the following:

33 (1) Authorized law enforcement representatives of cities,
34 counties, cities and counties, or state and federal governments for
35 exclusive use by those government agencies if, prior to the delivery,
36 transfer, or sale of the handgun ammunition, written authorization
37 from the head of the agency employing the purchaser or transferee,
38 is obtained identifying the employee as an individual authorized
39 to conduct the transaction, and authorizing the transaction for the
40 exclusive use of the agency employing the individual.

(2) Sworn peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who are authorized to carry a firearm in the course and scope of their duties.

~~(3) Rimfire ammunition.~~

(3) Importers and manufacturers of handgun ammunition or firearms licensed to engage in business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and licensed handgun ammunition vendors.

(4) Persons who are on the centralized list maintained by the Department of Justice pursuant to Section 12083.

(5) Persons whose licensed premises are outside this state who are licensed as dealers or collectors of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(6) Persons licensed as collectors of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto whose licensed premises are within this state who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071.

~~SEC. 9. Section 12326 is added to the Penal Code, to read:~~

~~12326. (a) For purposes of this section, the following terms apply:~~

~~(1) "Seller of handgun ammunition" means any of the following:~~

~~(A) Persons licensed pursuant to Section 12071.~~

~~(B) A person registered with the Department of Justice pursuant to Section 12315 as a registered handgun ammunition seller.~~

~~(C) A person who is on the centralized list maintained by the Department of Justice pursuant to Section 12083.~~

~~(D) A target facility which holds a business or regulatory license.~~

~~(E) Commercial hunting clubs, game bird clubs, or pheasant clubs licensed by the Department of Fish and Game.~~

~~(F) Gunsmiths.~~

~~(G) Wholesalers.~~

~~(H) Manufacturers or importers of firearms licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.~~

~~(2) "Handgun ammunition" means assembled live ammunition, other than .22 caliber, primarily for use in a handgun.~~

~~(b) Commencing July 1, 2008, no seller of handgun ammunition shall sell or otherwise transfer ownership of any handgun ammunition without at the time of purchase recording the following information in a format to be prescribed by the Department of Justice:~~

~~(1) The date of the transaction.~~

~~(2) The name, address, and date of birth of the transferee.~~

~~(3) The transferee's driver's license or other identification number and the state in which it was issued.~~

~~(4) The brand, type, and amount of ammunition transferred.~~

~~(5) The transferee's signature.~~

~~(6) The name of the salesperson who processed the transaction.~~

~~(c) Commencing July 1, 2008, the seller of handgun ammunition shall also at the time of purchase or transfer obtain the right thumbprint of the purchaser or transferee on the above form, unless the purchaser or transferee presents a valid hunting or sportsman's license issued pursuant to Section 714, paragraphs (1) to (3), inclusive, of subdivision (a) of Section 3031, or Section 3031.2 of the Fish and Game Code, in which case the seller of handgun ammunition shall record the number of the license.~~

~~(d) (1) Commencing July 1, 2008, the records required by this section shall be maintained on the premises of the seller of handgun ammunition for a period of not less than two years from the date of the recorded transfer.~~

~~(2) Commencing July 1, 2008, the records shall be subject to inspection at any time during normal business hours by any peace officer employed by a sheriff, city police department, or district attorney as provided in subdivision (a) of Section 830.1, or employed by the Department of Justice as provided in subdivision (b) of Section 830.1, provided the officer is conducting an investigation where access to those records is or may be relevant to that investigation, is seeking information about persons prohibited from owning a firearm or ammunition, or is engaged in ensuring compliance with the Dangerous Weapons Control Law (Chapter 1 (commencing with Section 12000) of Title 2 of Part 4), or any other laws pertaining to firearms. The records shall also be subject to inspection at any time during normal business hours by any other employee of the Department of Justice, provided that employee is conducting an investigation where access to those records is or may be relevant to that investigation, is seeking~~

1 ~~information about persons prohibited from owning a firearm or~~
2 ~~ammunition, or is engaged in ensuring compliance with the~~
3 ~~Dangerous Weapons Control Law (Chapter 1 (commencing with~~
4 ~~Section 12000) of Title 2 of Part 4), or any other laws pertaining~~
5 ~~to firearms.~~

6 ~~(3) Commencing July 1, 2008, on the date of delivery of the~~
7 ~~handgun ammunition, the seller of handgun ammunition shall~~
8 ~~submit a report to the Department of Justice in such manner as the~~
9 ~~department may prescribe containing the information set forth in~~
10 ~~subdivision (b).~~

11 ~~(e) (1) Commencing July 1, 2008, no person shall knowingly~~
12 ~~make a false entry in, fail to make a required entry in, fail to obtain~~
13 ~~the required thumbprint, or fail to maintain in the required manner~~
14 ~~records prepared in accordance with subdivision (d). If the right~~
15 ~~thumbprint is not available, then the seller of handgun ammunition~~
16 ~~shall have the purchaser or transferee use his or her left thumb, or~~
17 ~~any available finger, and shall so indicate on the form. If the~~
18 ~~purchaser or transferee is physically unable to provide a thumbprint~~
19 ~~or fingerprint, the seller of handgun ammunition shall so indicate~~
20 ~~on the form.~~

21 ~~(2) Commencing July 1, 2008, no person shall refuse to permit~~
22 ~~a person authorized under paragraph (2) of subdivision (d) to~~
23 ~~examine any record prepared in accordance with this section during~~
24 ~~any inspection conducted pursuant to this section, or refuse to~~
25 ~~permit the use of any record or information by those persons.~~

26 ~~(f) A violation of this section shall constitute a misdemeanor.~~

27 ~~(g) This section shall not apply to any of the following:~~

28 ~~(1) Sales or transfer of handgun ammunition to or between any~~
29 ~~of the following:~~

30 ~~(A) Persons licensed pursuant to Section 12071.~~

31 ~~(B) A person registered with the Department of Justice pursuant~~
32 ~~to Section 12315 as a registered handgun ammunition seller.~~

33 ~~(C) A person who is on the centralized list maintained by the~~
34 ~~Department of Justice pursuant to Section 12083.~~

35 ~~(D) A target facility which holds a business or regulatory license.~~

36 ~~(E) Commercial hunting clubs, game bird clubs, or pheasant~~
37 ~~clubs licensed by the Department of Fish and Game.~~

38 ~~(F) Gunsmiths.~~

39 ~~(G) Wholesalers.~~

1 ~~(H) Manufacturers or importers of firearms licensed pursuant~~
2 ~~to Chapter 44 (commencing with Section 921) of Title 18 of the~~
3 ~~United States Code, and the regulations issued pursuant thereto.~~

4 ~~(I) A nonprofit public benefit or mutual benefit corporation~~
5 ~~organized pursuant to Part 2 (commencing with Section 5110) or~~
6 ~~Part 3 (commencing with Section 7110) of Division 2 of the~~
7 ~~Corporations Code, if both of the following conditions are satisfied:~~

8 ~~(i) The nonprofit public benefit or mutual benefit corporation~~
9 ~~is selling ammunition to assist the corporation or local chapters of~~
10 ~~the corporation in conducting auctions or similar events at which~~
11 ~~firearms are auctioned off and to fund the activities of the~~
12 ~~corporation or the local chapters of the corporation.~~

13 ~~(ii) The firearms being auctioned off at the corporation's~~
14 ~~auctions or events are not primarily handguns.~~

15 ~~(2) Sales or transfers made to authorized law enforcement~~
16 ~~representatives of cities, counties, cities and counties, or state or~~
17 ~~federal governments for exclusive use by those government~~
18 ~~agencies if, prior to the delivery, transfer, or sale of these firearms,~~
19 ~~written authorization from the head of the agency authorizing the~~
20 ~~transaction is presented to the person from whom the purchase,~~
21 ~~delivery, or transfer is being made. Proper written authorization~~
22 ~~is defined as verifiable written certification from the head of the~~
23 ~~agency by which the purchaser or transferee is employed,~~
24 ~~identifying the employee as an individual authorized to conduct~~
25 ~~the transaction, and authorizing the transaction for the exclusive~~
26 ~~use of the agency by which he or she is employed.~~

27 ~~(3) Sales or transfers of handgun ammunition by a nonprofit~~
28 ~~public benefit or mutual benefit corporation organized pursuant~~
29 ~~to Part 2 (commencing with Section 5110) or Part 3 (commencing~~
30 ~~with Section 7110) of Division 2 of the Corporations Code, if both~~
31 ~~of the following conditions are satisfied:~~

32 ~~(A) The nonprofit public benefit or mutual benefit corporation~~
33 ~~is selling ammunition to assist the corporation or local chapters of~~
34 ~~the corporation in conducting auctions or similar events at which~~
35 ~~firearms are auctioned off and to fund the activities of the~~
36 ~~corporation or the local chapters of the corporation.~~

37 ~~(B) The firearms being auctioned off at the corporation's~~
38 ~~auctions or events are not primarily handguns.~~

39 ~~SEC. 10. (a) The Legislature finds and declares all of the~~
40 ~~following:~~

1 ~~(1) Although Section 12316 of the Penal Code bars various~~
2 ~~categories of persons from possessing ammunition, there is no~~
3 ~~instantaneous means of verifying whether those persons are~~
4 ~~endeavoring to acquire handgun ammunition from persons~~
5 ~~authorized to transfer handgun ammunition, and an instantaneous~~
6 ~~check would be beneficial for both public safety and registered~~
7 ~~owners of handguns.~~

8 ~~(2) The Legislature on an overwhelming basis in 2001 enacted~~
9 ~~legislation to identify registered owners of handguns and assault~~
10 ~~weapons who subsequently became ineligible to possess the same~~
11 ~~and set forth procedures for those persons to dispose of their~~
12 ~~firearms and thereby avoid criminal liability for possessing or~~
13 ~~disposing of their firearms.~~

14 ~~(3) California driver's license number and identification~~
15 ~~information is contained in all firearms transactions records~~
16 ~~maintained by the state and the identification number is a~~
17 ~~permanent and unique number which identifies who owns what~~
18 ~~handgun and where he or she resides.~~

19 ~~(b) The Attorney General shall prepare and submit to the~~
20 ~~Legislature, on or before January 1, 2009, a report concerning all~~
21 ~~of the following:~~

22 ~~(1) Recommending a clear and succinct general procedure~~
23 ~~whereby instantaneous background checks can be conducted on~~
24 ~~persons wishing to acquire handgun ammunition.~~

25 ~~(2) Integration of that system into the current handgun~~
26 ~~registration process.~~

27 ~~(3) The feasibility and cost of creating the type of background~~
28 ~~check system referred to in this section.~~

29 ~~(4) The costs overall and to individual users of creating that~~
30 ~~system.~~

31 ~~(5) The effect of the system on overall efforts by the Department~~
32 ~~of Justice in terms of information and computerized upgrades that~~
33 ~~the department is currently undertaking.~~

34 ~~(6) Specific statutory changes to implement the system.~~

35 ~~(c) It is the intent of the Legislature to enact legislation, based~~
36 ~~on the Attorney General's report required by subdivision (b),~~
37 ~~providing that commencing July 1, 2011, prior to the delivery of~~
38 ~~handgun ammunition by a "seller of handgun ammunition," as~~
39 ~~described in Section 12326, an instantaneous background check~~
40 ~~will be conducted in order to determine that the recipient of the~~

1 ~~ammunition is not prohibited from possessing ammunition pursuant~~
2 ~~to subdivision (b) of Section 12316.~~

3 ~~(d) It is also the intent of the Legislature that this entire program~~
4 ~~be fee supported.~~

5 ~~SEC. 11. No reimbursement is required by this act pursuant to~~
6 ~~Section 6 of Article XIII B of the California Constitution because~~
7 ~~the only costs that may be incurred by a local agency or school~~
8 ~~district will be incurred because this act creates a new crime or~~
9 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
10 ~~for a crime or infraction, within the meaning of Section 17556 of~~
11 ~~the Government Code, or changes the definition of a crime within~~
12 ~~the meaning of Section 6 of Article XIII B of the California~~
13 ~~Constitution.~~